

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44863 of 2018

Arising Out of PS.Case No. -501 Year- 2018 Thana -AHIAPUR District- MUZAFFARPUR

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1. Dharmendra Kumar @ Dharmendra Rai, S/o Kishori Rai, R/o Vill.- Nirpur Patyasa, (in FIR wrongly Mentioned as Aadam Chhapra) P.S.- Ahiyapur, District- Muzaffarpur.
 2. Kanchan Rai @ Kanchan Kumar, S/o Jay Mangal Rai, R/o Vill.- Raghapur (In FIR wrongly mentioned as Bara Jagaranth), P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Jitendra Narain Sinha, Advocate.

For the Opposite Party : Mr. Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 272, 273/34 of the IPC and 30(a), 38(i), 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 588.60 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been



implicated in the present case. It is alleged that total 588.60 liters wine is recovered from the *Lachhi Orchard* of one Harendra Singh. The name of the petitioners has come on the basis of disclosure made by co-accused Sanjay Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 501 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)